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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2017 Rhif 340 (Cy. 84)**

**2017 No. 340 (W. 84)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Diwygiadau Amrywiol  
Diwygio Lles) (Cymru) 2017

The National Health Service  
(Welfare Reform Miscellaneous  
Amendments) (Wales) Regulations  
2017

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986 (O.S. 1986/975), Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997 (O.S. 1997/818) a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007 (O.S. 2007/1104 (Cy. 116)).

Maent yn dirymu Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau Canlyniadol Diwygio Lles) (Cymru) 2016 (O.S. 2016/97 (Cy. 46)) ac yn cyflwyno trothwyon ar gyfer personau sy'n cael credyd cynhwysol os ydynt i fod yn gymwys i gael ad-daliad o dreuliau teithio a chymorth mewn cysylltiad â chostau penodol sy'n ymwneud ag iechyd.

Mae rheoliad 13 o Reoliadau 1986 yn gwneud darpariaeth ynghylch pwy sydd â hawl i gael profion golwg gwasanaethau offthalmig cyffredinol o dan Ran 6 o Ddeddf y GIG (Cymru) 2006.

Mae rheoliad 8 o Reoliadau 1997 yn darparu ar gyfer cynllun i daliadau gael eu gwneud, drwy system dalebau, mewn cysylltiad â chostau y mae categorïau penodol o bersonau yn mynd iddynt mewn cysylltiad â chyflenwi teclynnau optegol.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986 (S.I. 1986/975), the National Health Service (Optical Charges and Payments) Regulations 1997 (S.I. 1997/818) and the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (S.I. 2007/1104 (W.116)).

They revoke the National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2016 (S.I. 2016/97 (W. 46)) and introduce thresholds for persons in receipt of universal credit if they are to qualify for reimbursement of travel expenses and assistance in respect of certain health related costs.

Regulation 13 of the 1986 Regulations makes provision about who is entitled to general ophthalmic services sight tests under Part 6 of the NHS (Wales) Act 2006.

Regulation 8 of the 1997 Regulations provides for a scheme for payments to be made, by means of a voucher system, in respect of costs incurred by certain categories of persons in connection with the supply of optical appliances.

Mae rheoliad 5 o Reoliadau 2007 yn gwneud darpariaeth i alluogi pobl sy'n cael budd-daliadau gwladwriaeth penodol, neu sydd ar incwm isel, i gael eu had-dalu ar gyfer treuliau teithio yr eir iddynt wrth gael gwasanaethau GIG penodol ac i fod yn esempt rhag talu ffioedd GIG penodol, heb yr angen i wneud hawliad.

Mae rheoliadau 3, 4 a 5 o'r Rheoliadau hyn yn diwygio rheoliad 13 o Reoliadau 1986, rheoliad 8 o Reoliadau 1997 a rheoliad 5 o Reoliadau 2007 yn y drefn honno, fel bod hawl, ar ôl 1 Ebrill 2017, gan berson sy'n cael credyd cynhwysol heb elfen plentyn, heb elfen gallu cyfyngedig i weithio neu heb elfen gallu cyfyngedig i weithio ac i wneud gweithgarwch sy'n gysylltiedig â gwaith yn rhan o'i ddyfarniad, i gael ad-daliad llawn o dreuliau teithio penodol sy'n ymwneud â thriniaeth GIG, i beidio â thalu ffioedd GIG penodol ac i gael cymorth sy'n ymwneud â darparu profion golwg gwasanaethau offthalmig cyffredinol a chyflenwi teclynnau optegol, os nad oes gan y person hwnnw unrhyw incwm a enillir neu incwm a enillir o £435 neu lai yn y cyfnod asesu credyd cynhwysol perthnasol. Bydd hefyd hawl gan berson (neu berson ifanc cymwys y mae'r derbynnydd yn gyfrifol amdano) i gael yr ad-daliad, i beidio â thalu ac i gael cymorth os yw'r person hwnnw yn cael credyd cynhwysol gydag unrhyw un neu ragor o'r elfennau a grybwyllwyd uchod fel rhan o'r dyfarniad ac nad oes ganddo unrhyw incwm a enillir neu incwm a enillir o £935 neu lai yn y cyfnod asesu credyd cynhwysol perthnasol.

Mae rheoliadau 6 i 8 yn gwneud darpariaeth drosiannol i sicrhau bod personau, y codwyd eu hawl i gael ad-daliad o dreuliau teithio neu, i beidio â thalu ffi neu i gael cymorth gyda chost cyn 1 Ebrill 2017, yn gallu cael ad-daliad, yn gallu peidio â thalu neu'n gallu cael cymorth ar ôl y dyddiad hwnnw, er gwaethaf y newidiadau a wneir gan y Rheoliadau hyn.

Mae rheoliad 9 yn dirymu Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau Canlyniadol Diwygio Lles) (Cymru) 2016.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Regulation 5 of the 2007 Regulations makes provision to enable people in receipt of certain state benefits, or on low incomes, to be reimbursed for travel expenses incurred in obtaining certain NHS services and to be exempt from paying certain NHS charges, without needing to make a claim.

Regulations 3, 4 and 5 of these Regulations amend regulation 13 of the 1986 Regulations, regulation 8 of the 1997 Regulations and regulation 5 of the 2007 Regulations respectively, so that, after 1 April 2017, a person receiving universal credit without a child element, a limited capability for work element or a limited capability for work and work-related activity element to their award is entitled to the reimbursement in full of certain travel expenses relating to NHS treatment, remission of certain NHS charges and assistance relating to the provision of general ophthalmic services sight tests and the supply of optical appliances, if that person has no earned income or earned income of £435 or less in the relevant universal credit assessment period. A person (or a qualifying young person for whom the recipient is responsible) will also be entitled to such reimbursement, remission and assistance if that person is in receipt of universal credit with any of the aforementioned elements to the award and has no earned income or earned income of £935 or less in the relevant universal credit assessment period.

Regulations 6 to 8 make transitional provision to ensure that persons whose entitlement to reimbursement of a travel expense, remission of a charge or assistance with a cost arose before 1 April 2017, can obtain reimbursement, remission or assistance after that date, notwithstanding the changes made by these Regulations.

Regulation 9 revokes the National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2016.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

**2017 Rhif 340 (Cy. 84)**

**2017 No. 340 (W. 84)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Diwygiadau Amrywiol  
Diwygio Lles) (Cymru) 2017

The National Health Service  
(Welfare Reform Miscellaneous  
Amendments) (Wales) Regulations  
2017

*Gwnaed* 8 Mawrth 2017

*Made* 8 March 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 10 Mawrth 2017

*Laid before the National Assembly for Wales*  
10 March 2017

*Yn dod i rym* 1 Ebrill 2017

*Coming into force* 1 April 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 71, 125, 128, 129, 130, 131, 132 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1) yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers in exercise of the powers conferred on them by sections 71, 125, 128, 129, 130, 131, 132 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1) make the following Regulations.

**Enwi, cychwyn a chymhwyso**

**Title, commencement and application**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau Amrywiol Diwygio Lles) (Cymru) 2017 a deuant i rym ar 1 Ebrill 2017.

1.—(1) The title of these Regulations is the National Health Service (Welfare Reform Miscellaneous Amendments) (Wales) Regulations 2017 and they come into force on 1 April 2017.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

**Dehongli**

**Interpretation**

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr “Rheoliadau 1986” (“*the 1986 Regulations*”) yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986(2);

“the 1986 Regulations” (“*Rheoliadau 1986*”) means the National Health Service (General Ophthalmic Services) Regulations 1986(2);

ystyr “Rheoliadau 1997” (“*the 1997 Regulations*”) yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997(3); ac

“the 1997 Regulations” (“*Rheoliadau 1997*”) means the National Health Service (Optical Charges and Payments) Regulations 1997(3); and

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(1) 2006 p. 42.

(2) O.S. 1986/975 fel y'i diwygiwyd.

(3) O.S. 1997/818 fel y'i diwygiwyd.

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(1) 2006 c. 42.

(2) S.I. 1986/975 as amended.

(3) S.I. 1997/818 as amended.

ystyr “Rheoliadau 2007” (“*the 2007 Regulations*”) yw Rheoliadau’r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007(1).

### Diwygio Rheoliadau 1986

3.—(1) Mae Rheoliadau 1986 wedi eu diwygio yn unol â’r rheoliad hwn.

(2) Yn rheoliad 13 (profion golwg – cymhwysra)—

(a) ym mharagraff (2), yn lle is-baragraff (q) rhodder—

“(q) that person is a relevant universal credit recipient.”;

(b) ar ôl paragraff (2A), mewnosoder—

“(2B) In paragraph (2)(q) “relevant universal credit recipient” means a person who, in the relevant assessment period—

(a) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award did not include the child element,

(ii) the single claimant or, as the case may be, both joint claimants, did not have limited capability for work, and

(iii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £435.00 or less;

(b) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award included the child element, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less;

(c) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the single claimant or, as the case may be, one or both joint claimants, had limited capability for work, and

“the 2007 Regulations” (“*Rheoliadau 2007*”) means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(1).

### Amendment of the 1986 Regulations

3.—(1) The 1986 Regulations are amended in accordance with this regulation.

(2) In regulation 13 (sight tests – eligibility)—

(a) in paragraph (2), for sub-paragraph (q) substitute—

“(q) that person is a relevant universal credit recipient.”;

(b) after paragraph (2A), insert—

“(2B) In paragraph (2)(q) “relevant universal credit recipient” means a person who, in the relevant assessment period—

(a) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award did not include the child element,

(ii) the single claimant or, as the case may be, both joint claimants, did not have limited capability for work, and

(iii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £435.00 or less;

(b) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award included the child element, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less;

(c) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the single claimant or, as the case may be, one or both joint claimants, had limited capability for work, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less; or

(d) was a qualifying young person for whom a recipient referred to in subparagraph (b) or (c) is responsible (within the meaning of Part 1 of the 2012 Act (universal credit) and regulations made thereunder).

(2C) Where paragraph (2D) applies, a person is, for the purposes of regulation 13B(1)(c), to be treated as falling within the description of a relevant universal credit recipient in paragraph (2)(q).

(2D) This paragraph applies where the conditions in sub-paragraphs (a), (b), (c) or (d) of paragraph (2B) are satisfied in the assessment period in which the sight test takes place and—

- (a) there is no relevant assessment period; or
- (b) none of those conditions were satisfied in the relevant assessment period.”;

(c) hepgorer paragraff (3)(e); a

(d) ar ðl paragraff (3), mewnosoder—

“(4) For the purposes of paragraphs (2B) and (2C)—

“assessment period” means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013 (assessment periods)(1);

“child element” means the child element of universal credit as specified in regulation 24(1) of the Universal Credit Regulations 2013 (the child element);

“earned income” means a person’s earned income as defined by Chapter 2 of Part 6 of the Universal Credit Regulations 2013 (calculation of capital and income – earned income);

“joint claimants” has the meaning given in section 40 of the 2012 Act (interpretation of Part 1);

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less; or

(d) was a qualifying young person for whom a recipient referred to in subparagraph (b) or (c) is responsible (within the meaning of Part 1 of the 2012 Act (universal credit) and regulations made thereunder).

(2C) Where paragraph (2D) applies, a person is, for the purposes of regulation 13B(1)(c), to be treated as falling within the description of a relevant universal credit recipient in paragraph (2)(q).

(2D) This paragraph applies where the conditions in sub-paragraphs (a), (b), (c) or (d) of paragraph (2B) are satisfied in the assessment period in which the sight test takes place and—

- (a) there is no relevant assessment period; or
- (b) none of those conditions were satisfied in the relevant assessment period.”;

(c) omit paragraph (3)(e); and

(d) after paragraph (3), insert—

“(4) For the purposes of paragraphs (2B) and (2C)—

“assessment period” means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013 (assessment periods)(1);

“child element” means the child element of universal credit as specified in regulation 24(1) of the Universal Credit Regulations 2013 (the child element);

“earned income” means a person’s earned income as defined by Chapter 2 of Part 6 of the Universal Credit Regulations 2013 (calculation of capital and income – earned income);

“joint claimants” has the meaning given in section 40 of the 2012 Act (interpretation of Part 1);

“limited capability for work” means limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 respectively of the Universal Credit Regulations 2013 (limited capability for work; limited capability for work and work-related activity);

“qualifying young person” has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons);

“relevant assessment period” means the assessment period immediately preceding that in which the sight test takes place; and

“single claimant” has the meaning given in section 40 of the 2012 Act (interpretation of Part 1).

(3) Yn rheoliad 13B (prawf golwg sy’n cael ei drin fel prawf o dan wasanaethau offthalmig cyffredinol)—

(a) yn lle paragraff (1), rhodder—

“(1) A person whose sight is tested by a contractor, but who was not an eligible person immediately before the testing and is shown—

(a) during the testing to fall within the description specified in sub-paragraph (d) of regulation 13(1);

(b) in accordance with paragraph (3), within 3 months after the testing to fall within any of the descriptions specified in sub-paragraphs (e), (f) or (k) of regulation 13(2); or

(c) within three months after the testing to fall within the description specified in regulation 13(2)(q),

shall be taken for the purposes of the testing to have so fallen immediately before the person’s sight was tested.”

(b) ym mharagraff (4), ar ôl “(3)” mewnosoder “or (1)(c)”.

#### Diwygio Rheoliadau 1997

4.—(1) Mae Rheoliadau 1997 wedi eu diwygio yn unol â’r rheoliad hwn.

(2) Yn rheoliad 8 (cymhwystrau – cyflenwi teclynnau optegol)—

(a) yn lle paragraff (3)(q), rhodder—

“(q) that person is a relevant universal credit recipient.”

“limited capability for work” means limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 respectively of the Universal Credit Regulations 2013 (limited capability for work; limited capability for work and work-related activity);

“qualifying young person” has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons);

“relevant assessment period” means the assessment period immediately preceding that in which the sight test takes place; and

“single claimant” has the meaning given in section 40 of the 2012 Act (interpretation of Part 1).”.

(3) In regulation 13B (sight test treated as a test under general ophthalmic services)—

(a) for paragraph (1), substitute—

“(1) A person whose sight is tested by a contractor, but who was not an eligible person immediately before the testing and is shown—

(a) during the testing to fall within the description specified in sub-paragraph (d) of regulation 13(1);

(b) in accordance with paragraph (3), within 3 months after the testing to fall within any of the descriptions specified in sub-paragraphs (e), (f) or (k) of regulation 13(2); or

(c) within three months after the testing to fall within the description specified in regulation 13(2)(q),

shall be taken for the purposes of the testing to have so fallen immediately before the person’s sight was tested.”

(b) in paragraph (4), after “(3)” insert “or (1)(c)”.

#### Amendment of the 1997 Regulations

4.—(1) The 1997 Regulations are amended in accordance with this regulation.

(2) In regulation 8 (eligibility – supply of optical appliances)—

(a) for paragraph (3)(q), substitute—

“(q) that person is a relevant universal credit recipient.”

(b) ar ôl paragraff (3), mewnosoder—

“(3A) For the purposes of paragraph (3)(q) “relevant universal credit recipient” means a person who, in the relevant assessment period—

(a) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award did not include the child element,

(ii) the single claimant or, as the case may be, both joint claimants, did not have limited capability for work, and

(iii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £435.00 or less;

(b) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award included the child element, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less;

(c) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the single claimant or, as the case may be, one or both joint claimants, had limited capability for work, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less; or

(d) was a qualifying young person for whom a recipient referred to in subparagraph (b) or (c) is responsible (within the meaning of Part 1 of the 2012 Act (universal credit) and regulations made thereunder).

(3B) Where paragraph (3C) applies, a person is to be treated as a person of a description specified in paragraph (2) for the purposes of regulation 20 (payments in respect of optical appliances).

(b) after paragraph (3), insert—

“(3A) For the purposes of paragraph (3)(q) “relevant universal credit recipient” means a person who, in the relevant assessment period—

(a) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award did not include the child element,

(ii) the single claimant or, as the case may be, both joint claimants, did not have limited capability for work, and

(iii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £435.00 or less;

(b) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award included the child element, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less;

(c) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the single claimant or, as the case may be, one or both joint claimants, had limited capability for work, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less; or

(d) was a qualifying young person for whom a recipient referred to in subparagraph (b) or (c) is responsible (within the meaning of Part 1 of the 2012 Act (universal credit) and regulations made thereunder).

(3B) Where paragraph (3C) applies, a person is to be treated as a person of a description specified in paragraph (2) for the purposes of regulation 20 (payments in respect of optical appliances).

(3C) This paragraph applies where the conditions in sub-paragraphs (a), (b), (c) or (d) of paragraph (3A) are satisfied in the assessment period in which the sight test takes place and—

- (a) there is no relevant assessment period; or
- (b) none of those conditions were satisfied in the relevant assessment period.”;
- (c) ar ddiwedd paragraff (4)(b), mewnosoder “and”;
- (d) ar ddiwedd paragraff (4)(d), hepgorer “; and” a mewnosoder “.”;
- (e) hepgorer paragraff (4)(e); ac
- (f) ar ôl paragraff (4), mewnosoder—

“(4A) For the purposes of paragraphs (3A) and (3C)—

“assessment period” means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013 (assessment periods)(1);

“child element” means the child element of universal credit as specified in regulation 24(1) of the Universal Credit Regulations 2013 (the child element);

“earned income” means a person’s earned income as defined by Chapter 2 of Part 6 of the Universal Credit Regulations 2013 (calculation of capital and income – earned income);

“joint claimants” has the meaning given in section 40 of the 2012 Act (interpretation of Part 1);

“limited capability for work” means limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 respectively of the Universal Credit Regulations 2013 (limited capability for work; limited capability for work and work-related activity);

“qualifying young person” has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons);

(3C) This paragraph applies where the conditions in sub-paragraphs (a), (b), (c) or (d) of paragraph (3A) are satisfied in the assessment period in which the sight test takes place and—

- (a) there is no relevant assessment period; or
- (b) none of those conditions were satisfied in the relevant assessment period.”;
- (c) at the end of paragraph (4)(b), insert “and”;
- (d) at the end of paragraph (4)(d), omit “; and” and insert “.”;
- (e) omit paragraph (4)(e); and
- (f) after paragraph (4), insert—

“(4A) For the purposes of paragraphs (3A) and (3C)—

“assessment period” means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013 (assessment periods)(1);

“child element” means the child element of universal credit as specified in regulation 24(1) of the Universal Credit Regulations 2013 (the child element);

“earned income” means a person’s earned income as defined by Chapter 2 of Part 6 of the Universal Credit Regulations 2013 (calculation of capital and income – earned income);

“joint claimants” has the meaning given in section 40 of the 2012 Act (interpretation of Part 1);

“limited capability for work” means limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 respectively of the Universal Credit Regulations 2013 (limited capability for work; limited capability for work and work-related activity);

“qualifying young person” has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons);

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(1) O.S. 2013/376.

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(1) S.I. 2013/376.



“relevant assessment period” means the assessment period immediately preceding that in which the supply of the optical appliance is paid for; and

“single claimant” has the meaning given in section 40 of the 2012 Act (interpretation of Part 1).”.

### Diwygio Rheoliadau 2007

5.—(1) Mae Rheoliadau 2007 wedi eu diwygio yn unol â'r rheoliad hwn.

(2) Yn rheoliad 2(a) (dehongli), yn y diffiniad o “pâr” hepgorer “(i) a (iii)”.

(3) Yn rheoliad 5 (hawl i beidio â thalu ffi o gwbl ac i gael taliad llawn)—

(a) yn lle paragraff (1)(aa), rhodder—

“(aa) yn dderbynnedd credyd cynhwysol perthnasol;”

(b) ar ôl paragraff (1), mewnosoder—

“(1A) At ddibenion paragraff (1)(aa) ystyr “derbynnedd credyd cynhwysol perthnasol” (“*relevant universal credit recipient*”) yw person, yn y cyfnod asesu perthnasol—

(a) a gafodd ddyfarniad o gredyd cynhwysol, naill ai fel ceisydd unigol neu fel un o geiswyr ar y cyd—

(i) pan nad oedd y dyfarniad yn cynnwys elfen y plentyn;

(ii) pan nad oedd gan y ceisydd unigol neu, yn ôl fel y digwydd, yr un o'r ceiswyr ar y cyd, allu cyfyngedig i weithio, a

(iii) pan oedd gan y ceisydd unigol incwm a enillir neu, yn ôl fel y digwydd, y ceiswyr ar y cyd incwm a enillir cyfunol, o £435.00 neu lai;

(b) a gafodd ddyfarniad o gredyd cynhwysol, naill ai fel ceisydd unigol neu fel un o geiswyr ar y cyd—

(i) pan oedd y dyfarniad yn cynnwys elfen y plentyn, a

(ii) pan oedd gan y ceisydd unigol incwm a enillir neu, yn ôl fel y digwydd, y ceiswyr ar y cyd incwm a enillir cyfunol, o £935.00 neu lai;

(c) a gafodd ddyfarniad o gredyd cynhwysol, naill ai fel ceisydd unigol neu fel un o geiswyr ar y cyd—

“relevant assessment period” means the assessment period immediately preceding that in which the supply of the optical appliance is paid for; and

“single claimant” has the meaning given in section 40 of the 2012 Act (interpretation of Part 1).”.

### Amendment of the 2007 Regulations

5.—(1) The 2007 Regulations are amended in accordance with this regulation.

(2) In regulation 2(a) (interpretation), in the definition of “couple” omit “(i) and (iii)”.

(3) In regulation 5 (entitlement to full remission and payment)—

(a) for paragraph (1)(aa), substitute—

“(aa) is a relevant universal credit recipient;”

(b) after paragraph (1), insert—

“(1A) For the purposes of paragraph (1)(aa) “relevant universal credit recipient” (“*derbynnedd credyd cynhwysol perthnasol*”) means a person who, in the relevant assessment period—

(a) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award did not include the child element,

(ii) the single claimant or, as the case may be, both joint claimants, did not have limited capability for work, and

(iii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £435.00 or less;

(b) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) the award included the child element, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less;

(c) had an award of universal credit, either as a single claimant or as one of joint claimants, where—

(i) pan oedd gan y ceisydd unigol neu, yn ôl fel y digwydd, un o'r ceiswyr ar y cyd neu'r ddau ohonynt, allu cyfyngedig i weithio, a

(ii) pan oedd gan y ceisydd unigol incwm a enillir neu, yn ôl fel y digwydd, y ceiswyr ar y cyd incwm a enillir cyfunol, o £935.00 neu lai; neu

(ch) a oedd yn blentyn neu'n berson ifanc cymwys y mae derbynnydd y cyfeirir ato yn is-baragraff (b) neu (c) yn gyfrifol amdano (o fewn ystyr Rhan 1 o Ddeddf 2012 (credyd cynhwysol) a rheoliadau a wneir odani).

(1B) Pan fo paragraff (1C) yn gymwys, mae person i gael ei drin fel â hawl i hawlio addaliad ffi GIG neu dreuliau teithio GIG o dan reoliad 10 (ceisiadau am ad-daliad).

(1C) Mae'r paragraff hwn yn gymwys pan fo'r amodau yn is-baragraffau (a), (b), (c) neu (ch) o baragraff (1A) wedi eu bodloni yn y cyfnod asesu y mae'r prawf golwg yn cael ei gynnal ynddo ac—

(a) nad oes cyfnod asesu perthnasol; neu

(b) nad oedd yr un o'r amodau hynny wedi ei fodloni yn y cyfnod asesu perthnasol.

(1CH) At ddibenion paragraffau (1A) ac (1C)—

mae i "ceiswyr ar y cyd" yr ystyr a roddir i "joint claimants" yn adran 40 o Ddeddf 2012 (dehongli Rhan 1);

mae i "ceisydd unigol" yr ystyr a roddir i "single claimant" yn adran 40 o Ddeddf 2012 (dehongli Rhan 1);

ystyr "cyfnod asesu" ("*assessment period*") yw'r cyfnod asesu at ddibenion credyd cynhwysol fel y'i pennir yn rheoliad 21 o Reoliadau Credyd Cynhwysol 2013 (cyfnodau asesu)(1);

ystyr "cyfnod asesu perthnasol" ("*relevant assessment period*") yw'r cyfnod asesu yn union cyn y cyfnod y talwyd y ffi GIG neu yr ysgwyddwyd y treuliau teithio GIG ynddo;

ystyr "elfen plentyn" ("*child element*") yw elfen plentyn credyd cynhwysol fel y'i pennir yn rheoliad 24(1) o Reoliadau Credyd Cynhwysol 2013 (elfen y plentyn);

(i) the single claimant or, as the case may be, one or both joint claimants, had limited capability for work, and

(ii) the single claimant had earned income or, as the case may be, the joint claimants had combined earned income, of £935.00 or less; or

(d) was a child or qualifying young person for whom a recipient referred to in sub-paragraph (b) or (c) is responsible (within the meaning of Part 1 of the 2012 Act (universal credit) and regulations made thereunder).

(1B) Where paragraph (1C) applies, a person is to be treated as entitled to claim repayment of an NHS charge or NHS travel expenses under regulation 10 (claims for repayment).

(1C) This paragraph applies where the conditions in sub-paragraphs (a), (b), (c) or (d) of paragraph (1A) are satisfied in the assessment period in which the sight test takes place and—

(a) there is no relevant assessment period; or

(b) none of those conditions were satisfied in the relevant assessment period.

(1D) For the purposes of paragraphs (1A) and (1C)—

"assessment period" ("*cyfnod asesu*") means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013 (assessment periods)(1);

"child element" ("*elfen plentyn*") means the child element of universal credit as specified in regulation 24(1) of the Universal Credit Regulations 2013 (the child element);

"earned income" ("*incwm a enillir*") means a person's earned income as defined by Chapter 2 of Part 6 of the Universal Credit Regulations 2013 (calculation of capital and income – earned income);

"joint claimants" ("*ceiswyr ar y cyd*") has the meaning given in section 40 of the 2012 Act (interpretation of Part 1);

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(1) O.S. 2013/376.

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(1) S.I. 2013/376.

ystyr “gallu cyfyngedig i weithio” (“*limited capability for work*”) yw gallu cyfyngedig i weithio neu allu cyfyngedig i weithio ac i wneud gweithgarwch sy’n gysylltiedig â gwaith fel y’u dehonglir yn unol â rheoliadau 39 a 40, yn y drefn honno, o Reoliadau Credyd Cynhwysol 2013 (gallu cyfyngedig i weithio; gallu cyfyngedig i weithio ac i wneud gweithgarwch sy’n gysylltiedig â gwaith);

ystyr “incwm a enillir” (“*earned income*”) yw incwm a enillir person fel y’i diffinnir gan Bennod 2 o Ran 6 o Reoliadau Credyd Cynhwysol 2013 (cyfrifo cyfalaf ac incwm – incwm a enillir); ac

mae i “person ifanc cymwys” yr ystyr a roddir i “qualifying young person” yn adran 10(5) o Ddeddf 2012 (cyfrifoldeb am blant a phersonau ifanc).”.

(4) Yn Atodlen 1 (addasu Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987), yng nghlofn 2 o Dabl A, yn yr addasiad o reoliad 62 (cyfrifo incwm grant)—

(a) ym mharagraff (2C)(a)—

(i) yn lle “regulations 57 to 59 of the Education (Student Support) Regulations 2009” rhodder “regulations 57 to 60 of the Education (Student Support) Regulations 2011”(1); a

(b) ym mharagraff (2C)(b)—

(i) yn lle “regulations 39 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011” rhodder “regulations 37 to 39 of the Education (Student Support) (Wales) Regulations 2015”(2); a

(ii) yn lle “regulations 49 to 52” rhodder “regulations 46 to 49”.

### **Darpariaeth drosiannol sy’n ymwneud â Rheoliadau 1986**

6.—(1) Mae’r rheoliad hwn yn gymwys pan fo person, cyn 1 Ebrill 2017, yn mynd i gost mewn cysylltiad â phrawf golwg gan ymarferydd meddygol offthalmig neu optegydd, heb i daleb gael ei chwblhau, ac—

(1) O.S. 2011/1986.

(2) O.S. 2015/54 (Cy. 5); diwygiwyd gan O.S. 2015/1505 (Cy. 173), 2016/77 (Cy. 34) a 2016/211 (Cy. 84).

“limited capability for work” (“*gallu cyfyngedig i weithio*”) means limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 respectively of the Universal Credit Regulations 2013 (limited capability for work; limited capability for work and work-related activity);

“qualifying young person” (“*person ifanc cymwys*”) has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons);

“relevant assessment period” (“*cyfnod asesu perthnasol*”) means the assessment period immediately preceding that in which the NHS charge was paid or NHS travel expenses incurred; and

“single claimant” (“*ceisydd unigol*”) has the meaning given in section 40 of the 2012 Act (interpretation of Part 1).”.

(4) In Schedule 1 (modifications of the Income Support (General) Regulations 1987), in column 2 of Table A, in the modification of regulation 62 (calculation of grant income)—

(a) in paragraph (2C)(a)—

(i) for “regulations 57 to 59 of the Education (Student Support) Regulations 2009” substitute “regulations 57 to 60 of the Education (Student Support) Regulations 2011”(1); and

(b) in paragraph (2C)(b)—

(i) for “regulations 39 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011” substitute “regulations 37 to 39 of the Education (Student Support) (Wales) Regulations 2015”(2); and

(ii) for “regulations 49 to 52” substitute “regulations 46 to 49”.

### **Transitional provision relating to the 1986 Regulations**

6.—(1) This regulation applies where, before 1 April 2017, a cost is incurred by a person in respect of a sight test by an ophthalmic medical practitioner or an optician, without a voucher being completed, and—

(1) S.I. 2011/1986.

(2) S.I. 2015/54 (W. 5); amended by S.I. 2015/1505 (W. 173), 2016/77 (W. 34) and 2016/211 (W. 84).

- (a) yn union cyn y dyddiad hwnnw, y byddai hawl wedi bod gan berson i gael prawf golwg o dan wasanaethau offthalmig cyffredinol yn rhinwedd paragraff 2(q) o reoliad 13 o Reoliadau 1986 (profion golwg – cymhwysra); a
- (b) ond am gymhwyso paragraff (2), y byddai hawl y person hwnnw yn peidio yn rhinwedd y diwygiadau a wneir i reoliad 13 gan reoliad 3 o'r Rheoliadau hyn.

(2) Pan fo'r rheoliad hwn yn gymwys, mae rheoliad 6 o Reoliadau 1997 (taliadau i gleifion mewn cysylltiad â phroffion golwg) yn cael effaith mewn perthynas â chymhwysra'r person hwnnw i gael taliad fel—

- (a) pe na bai'r diwygiadau a wneir gan reoliad 3 o'r Rheoliadau hyn wedi dod i rym; a
- (b) pe bai'r person hwnnw yn “eligible person” at ddibenion rheoliad 6(1) o Reoliadau 1997.

#### **Darpariaeth drosiannol sy'n ymwneud â Rheoliadau 1997**

7.—(1) Mae'r rheoliad hwn yn gymwys pan fo person, cyn 1 Ebrill 2017, yn mynd i gost mewn cysylltiad â chyflenwi, amnewid neu drwsio teclyn optegol cyn 1 Ebrill 2017 ac—

- (a) yn union cyn y dyddiad hwnnw, yr oedd y person hwnnw yn gymwys i gael taliad yn rhinwedd rheoliad 8 (cymhwysra – cyflenwi teclynnau optegol) neu reoliad 15 (cymhwysra – amnewid neu drwsio) o Reoliadau 1997; a
- (b) ond am gymhwyso paragraff (2), y byddai hawl y person hwnnw yn peidio yn rhinwedd y diwygiadau a wneir i reoliad 8 o'r Rheoliadau hynny gan reoliad 4 o'r Rheoliadau hyn.

(2) Pan fo'r rheoliad hwn yn gymwys, mae rheoliad 20 o Reoliadau 1997 (taliadau i gleifion mewn cysylltiad â chyflenwi, amnewid neu drwsio teclynnau optegol) yn parhau i gael effaith mewn perthynas â chymhwysra'r person hwnnw i gael taliad fel pe na bai'r diwygiadau a wneir gan reoliad 4 o'r Rheoliadau hyn wedi dod i rym.

(3) Mae'r paragraff hwn yn gymwys—

- (a) pan ddyroddwyd taleb, cyn 1 Ebrill 2017, i berson yn unol â rheoliad 9 (dyroddi talebau gan ymarferwyr meddygol offthalmig neu optegwyr), 10 (dyroddi talebau gan ymddiriedolaethau'r GIG) neu 11 (dyroddi talebau amnewid gan ymddiriedolaethau'r GIG neu awdurdodau iechyd) o Reoliadau 1997; a

- (a) immediately before that date, a person would have been entitled to have a sight test under general ophthalmic services by virtue of paragraph 2(q) of regulation 13 of the 1986 Regulations (sight tests – eligibility); and
- (b) but for the application of paragraph (2), that person's entitlement would cease by virtue of the amendments made to regulation 13 by regulation 3 of these Regulations.

(2) Where this regulation applies, regulation 6 of the 1997 Regulations (payments to patients in respect of sight tests) has effect in relation to that person's eligibility for a payment as if—

- (a) the amendments made by regulation 3 of these Regulations had not come into force; and
- (b) that person was an “eligible person” for the purposes of regulation 6(1) of the 1997 Regulations.

#### **Transitional provision relating to the 1997 Regulations**

7.—(1) This regulation applies where, before 1 April 2017, a cost is incurred by a person in respect of the supply, replacement or repair of an optical appliance before 1 April 2017 and—

- (a) immediately before that date, that person was eligible for a payment by virtue of regulation 8 (eligibility – supply of optical appliances) or regulation 15 (eligibility – replacement or repair) of the 1997 Regulations; and
- (b) but for the application of paragraph (2), that person's entitlement would cease by virtue of the amendments made to regulation 8 of those Regulations by regulation 4 of these Regulations.

(2) Where this regulation applies, regulation 20 of the 1997 Regulations (payments to patients in respect of the supply, replacement or repair of optical appliances) continues to have effect in relation to that person's eligibility for a payment as if the amendments made by regulation 4 of these Regulations had not come into force.

(3) This paragraph applies where—

- (a) before 1 April 2017, a person was issued with a voucher in accordance with regulation 9 (issue of vouchers by ophthalmic medical practitioners or opticians), 10 (issue of vouchers by NHS trusts) or 11 (issue of replacement vouchers by NHS trusts or health authorities) of the 1997 Regulations; and

(b) pan nad oedd y daleb honno wedi ei derbyn cyn y dyddiad hwnnw.

(4) Pan fo paragraff (3) yn gymwys, rhaid i daleb o'r fath gael ei phrosesu yn unol â darpariaethau Rheoliadau 1997 fel pe na bai'r diwygiadau a wneir gan reoliad 4 o'r Rheoliadau hyn wedi dod i rym.

### **Darpariaeth drosiannol sy'n ymwneud â Rheoliadau 2007**

8.—(1) Mae'r rheoliad hwn yn gymwys pan eir, cyn 1 Ebrill 2017, i dreuliau teithio GIG neu pan fo ffi GIG yn cael ei thalu ac—

- (a) yn union cyn y dyddiad hwnnw, yr oedd hawl gan berson i gael taliad llawn treuliau teithio GIG neu i beidio â thalu ffi GIG o gwbl yn rhinwedd rheoliad 5 o Reoliadau 2007 (hawl i beidio â thalu ffi o gwbl ac i gael taliad llawn); a
- (b) ond am gymhwyso'r rheoliad hwn, y byddai hawl y person hwnnw yn peidio yn rhinwedd y diwygiadau a wneir i reoliad 5 o'r Rheoliadau hynny gan reoliad 5 o'r Rheoliadau hyn.

(2) Pan fo'r rheoliad hwn yn gymwys, mae rheoliad 5 o Reoliadau 2007 yn parhau i gael effaith fel pe na bai'r diwygiadau a wneir gan reoliad 5 o'r Rheoliadau hyn wedi dod i rym.

### **Dirymu**

9. Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau Canlyniadol Diwygio Lles) (Cymru) 2016(1) wedi eu dirymu.

(b) that voucher has not been accepted before that date.

(4) Where paragraph (3) applies, such a voucher must be processed in accordance with the provisions of the 1997 Regulations as if the amendments made by regulation 4 of these Regulations had not come into force.

### **Transitional provision relating to the 2007 Regulations**

8.—(1) This regulation applies where, before 1 April 2017, NHS travel expenses are incurred or an NHS charge is paid and—

- (a) immediately before that date, a person was entitled to payment in full of NHS travel expenses or to the full remission of an NHS charge by virtue of regulation 5 of the 2007 Regulations (entitlement to full remission and payment); and
- (b) but for the application of this regulation, that person's entitlement would cease by virtue of the amendments made to regulation 5 of those Regulations by regulation 5 of these Regulations.

(2) Where this regulation applies, regulation 5 of the 2007 Regulations continues to have effect as if the amendments made by regulation 5 of these Regulations had not come into force.

### **Revocation**

9. The National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2016(1) are revoked.

*Vaughan Gething*

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru  
8 Mawrth 2017

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Cabinet Secretary for Health, Well-being and Sport,  
one of the Welsh Ministers  
8 March 2017

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**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

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Gwladol (Diwygiadau Amrywiol  
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